



## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yoshitsugu Morita et al.

Serial No.:

10/524,920

Filed:

February 17, 2005

For: Aqueous Suspension Of Crosslinked  
Silicone Particles, Aqueous Emulsion  
Of Oil Containing Crosslinked  
Silicone Particles, and Cosmetic  
Ingredients

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Docket No.:

71,051-002

Group Art Unit:

unknown 4161

Examiner:

unknown Tigabu Kassa

I hereby certify that the enclosed Information Disclosure Statement and attached SB/08A are being deposited with the United States Postal Service as First Class mail, postage prepaid, in an envelope, addressed to the Commissioner of Patents, PO BOX 1450, Alexandria, VA 22313-1450, on the date shown below.

June 28, 2005  
Date

Sandra Barry  
Sandra Barry

## INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant(s) submit(s) herewith patents, publications, or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

Submitted herewith is Form PTO/SB/08A and or PTO/SB/08B (Modified) listing patents, publications, or other information for consideration by the Office.

COPIES PROVIDED:

- Legible copies of all items listed on Form PTO/SB/08A and or PTO/SB/08B accompany this Information Disclosure Statement, except copies of U.S. patents, U.S. patent application publications, copies of U.S. applications that were filed on or after June 30, 2003, and copies of U.S. applications that were filed before June 30, 2003 that are available in the Image File Wrapper System.
- Under 35 U.S.C. §120, this application relies on the earlier filing date of prior application Serial No. [REDACTED], filed on [REDACTED]. The following references were submitted to and/or

cited by the Office on this prior application and are therefore not required to be provided in this application:

- In accordance with 37 C.F.R. §1.98(c), a copy of only \_\_\_\_\_ is being submitted with this Information Disclosure Statement, and is cumulative of the following patents or publications listed on Form PTO/SB/08A:

**FOREIGN LANGUAGE DOCUMENTS**

- There are no foreign language documents listed on Form PTO/SB/08A.
- English language abstract for the following non-English references are enclosed:

Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document
JP 4-296398	10/20/1992	Akira et al.
JP 11-140191	05/25/1999	Yoshinori et al.
JP 11-217324	08/10/1999	Yoshiji et al.
JP 63-309565	12/16/1988	Koji et al.
JP 2003-286147	10/07/2003	Toshiyuki et al.

- Submitted herewith is an English translation of the following foreign language patents, publications or information or of portions of those patents, publications or information considered to be material:
- No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- The following foreign language documents are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith:

Cited Art	English Equivalent
JP 56-36546	US 4,428,751
JP 2-243612	US 4,980,167
JP 5-9409	US 5,708,057
JP 10-139624	US 5,871,761
JP 10-175816	US 5,928,660
JP2000-281903	US 6,057,386
WO 02/072703	US 2004/0091438

- Submitted herewith is an English language version of a PCT search report listing information not in the English language and indicating the degree of relevancy found by the International Bureau of WIPO, in satisfaction of the requirement (under 37 C.F.R. §1.98(a)(3)) for a concise explanation of the relevance of non-English information.
- A concise explanation of the relevance of the following listed non-English language information is included as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information as set forth below:

**Foreign Patent Document**

JP 4-296398

**Explanation of Relevance**  
This document was cited by the international Searching Authority in the International Search Report as a category "A" document and its relevance as presently understood is obtained from the English language abstract which indicates that this document discloses a detergent composition containing an alkylolalkyltaurin salt type anionic surfactant and silicone derivative.

JP 11-140191

This document was cited by the international Searching Authority in the International Search Report as a category "A" document and its relevance as presently understood is obtained from the English language abstract which indicates that this document discloses an aqueous dispersion of a spherical silicone rubber.

JP 11-217324

This document was cited by the international Searching Authority in the International Search Report as a category "A" document and its relevance as presently understood is obtained from the English language abstract which indicates that this document discloses a cosmetic including a silicone rubber powder containing a platinum-based catalyst and cross-linked by a hydrosilylating reaction, a polyether compound which is a polyether chain-containing silicone, and water.

JP 63-309565

This relevance of this document as presently understood is obtained from the English language abstract which indicates that this document discloses a aqueous dispersion of silicone rubber particles formed by mixing water with silicone rubber particles and a surfactant.

JP 2003-286147

This document was cited by the international Searching Authority in the International Search Report as categories "A" and "E" document and its relevance as presently understood is obtained from the English language abstract which indicates that this document discloses an oil-in-type cosmetic containing surface-treated fine powder, a silicone oil, an anionic surfactant and/or a phospholipid and water.

A concise explanation of the relevance of the following listed non-English language information is set forth in the above-identified specification:

**CERTIFICATION:**

- The Information Disclosure Statement transmitted herewith is being filed **within** three (3) months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b). Accordingly, it is believed that no certification or fee is due.
- The Information Disclosure Statement transmitted herewith is being filed **after** three (3) months of the filing date of the application or the date of entry into the national stage of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but **before** the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, whichever occurs first. Accordingly, I hereby certify that:
- each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Information Disclosure Statement; 37 C.F.R. §1.97(e)(1); OR

- no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge as the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); OR
- Applicant elects the option to pay the fee set forth in 37 C.F.R. §1.17(p) for submission of an Information Disclosure Statement under 37 C.F.R. §1.97(c). If a check is not enclosed, please charge the \$180.00 IDS submission fee to Howard & Howard Attorneys PC Deposit Account No. 08-2789. A duplicate of this paper is enclosed.
- The Information Disclosure Statement transmitted herewith is being filed **After a Final Action** under 37 C.F.R. §1.113, or **After a Notice of Allowance** under 37 C.F.R. §1.311, whichever occurs first, but is being filed on or **Before Payment of the Issue Fee**. Accordingly, I hereby certify that:
- each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1); OR
- no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge as the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); AND
- Applicant hereby petitions for consideration of this Information Disclosure Statement; 37 C.F.R. §1.97(d)(2)(ii). If a check is not enclosed, please charge the petition fee of \$180.00 Howard & Howard Attorneys PC Deposit Account No. 08-2789. A duplicate of this paper is enclosed.

The Commissioner is authorized to charge Howard & Howard Attorneys PC Deposit Account No. 08-2789 for any additional fees due hereunder.

Respectfully submitted

Reg. No.: 46,295

David M. LaPrairie

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Customer No. 27305

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Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/524,920
				Filing Date	February 17, 2005
				First Named Inventor	Morita et al.
				Art Unit	unknown
				Examiner Name	unknown
Sheet	1	of	4	Attorney Docket Number	71,051-002

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
/T.K./		US-4,248,751	02/03/1981	Willing	
/T.K./		US-4,980,167	12/25/1990	Harashima et al.	
/T.K./		US-5,708,057	01/13/1998	Morita et al.	
/T.K./		US-5,871,761	02/16/1999	Kuwata et al.	
/T.K./		US-5,928,660	07/27/1999	Kobayashi et al.	
/T.K./		US-6,057,386	05/02/2000	Morita et al.	
/T.K./		US-2004/0091438	05/13/2004	Ozaki et al.	
		US-			

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
/T.K./		EP 1 151 743 A2	11/07/2001	Iwai et al.	
/T.K./		JP 2-243612	09/27/1990	Asao et al.	
/T.K./		JP 3-17006	01/25/1991	Gakken Co. Ltd.	
/T.K./		JP 4-296398	10/20/1992	Akira et al.	
/T.K./		JP 5-9409	01/19/1993	Morita et al.	
/T.K./		JP 10-139624	05/26/1998	Satoshi et al.	
/T.K./		JP 10-175816	06/30/1998	Yoshiji et al.	

Examiner Signature	/Tigabu Kassa/	Date Considered	06/16/2008
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFT 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		Application Number	10/524,920
(use as many sheets as necessary)		Filing Date	02/17/05
		First Named Inventor	Morita et al.
		Art Unit	unknown
		Examiner Name	unknown
Sheet	2	of	4
		Attorney Docket Number	
		71,051-002	

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
/T.K./		JP 11-140191	05/25/1999	Yoshinori et al.		
/T.K./		JP 11-217324	08/10/1999	Yoshiji et al.		
/T.K./		JP 11-506125	06/01/1999	Nawaz et al.		
/T.K./		JP 63-309565	12/16/1988	Koji et al.		
/T.K./		JP 2000-281903	10/10/2000	Yoshiji et al.		
/T.K./		JP 2003-286147	10/07/2003	Toshiyuki et al.		
/T.K./		WO 97/32560	09/12/1997	Nawaz et al.		

Examiner Signature	/Tigabu Kassa/	Date Considered	06/16/2008
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<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFT 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <small>(use as many sheets as necessary)</small>		Application Number	10/524,920
		Filing Date	02/17/05
		First Named Inventor	Morita et al.
		Art Unit	unknown
		Examiner Name	unknown
Sheet	3	of	4
		Attorney Docket Number	
		71,051-002	

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
/T.K./		WO 02/072703	09/19/2002	Masaru et al.		
/T.K./		WO 02/088253	11/07/2002	Hamachi et al.		
/T.K./		WO 02/094213	11/28/2002	Tanaka et al.		

Examiner Signature	/Tigabu Kassa/	Date Considered	06/16/2008
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<sup>3</sup>Enter Office that issued the document by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFT 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO			Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>			Application Number	10/515,785
(use as many sheets as necessary)			Filing Date	November 24, 2004
			First Named Inventor	Demes et al.
			Art Unit	unknown
			Examiner Name	unknown
Sheet	4	4	Attorney Docket Number	71,049-001

<b>NON PATENT LITERATURE DOCUMENTS</b>				
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
/T.K./		English language Abstract for JP 4-296398 extracted from <u>espacenet.com</u> database dated 4/26/2005		
/T.K./		English language Abstract for JP 11-140191 extracted from <u>espacenet.com</u> database dated 4/26/2005		
/T.K./		English language Abstract for JP 11-217324 extracted from <u>espacenet.com</u> database dated 4/26/2005		
/T.K./		English language Abstract for JP 63-309565 extracted from <u>espacenet.com</u> database dated 4/26/2005		
/T.K./		English language Abstract for JP 2003-286147 extracted from <u>espacenet.com</u> database dated 4/26/2005		

Examiner Signature	/Tigabu Kassa/	Date Considered	06/16/2008
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.